

PATENT • TRADEMARK
JAN 21 2003
JC100-300

1632
Box
Seq

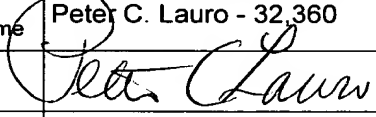
Please type a plus sign inside this box ☐

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

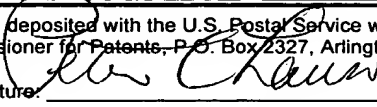
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Applicati n Number	09/874389
		Filing Dat	June 4, 2001
		First Named Inventor	Hermann Bujard, Ph.D.
		Group Art Unit	1632
		Examiner Name	Ram R. Shukla
Total Number of Pages in This Submission	1	Attorney Docket Number	BBI-009C3CN2

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Response to Notice to Comply; Paper copy of Sequence Listing; Statement Pursuant to 37 CFR 1.821(f); Diskette containing Sequence Listing; A copy of Formalities Letter; and A pre-paid, acknowledgment postcard
Remarks		
RECEIVED JAN 23 2003		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	LAHIVE & COCKFIELD, LLP Peter C. Lauro - 32,360
Signature	
Date	January 13, 2003

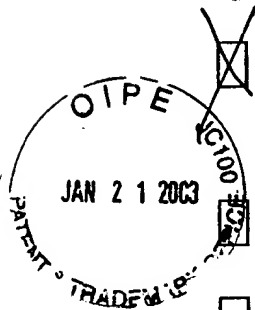
TECH CENTER 1600/2900

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box Sequence, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202, on the date shown below.	
Dated: January 13, 2003	Signature:  (Peter C. Lauro)

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box Sequence, Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202, on the date shown below.

Dated: January 13, 2003

Signature: 

(Peter C. Lauro)

#8/B
RD
Docket No.: BBI-009C3CN2
(PATENT) 1-242

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hermann Bujard, Ph.D., *et al.*

Application No.: 09/874389

Group Art Unit: 1632

Filed: June 4, 2001

Examiner: Shukla, Ram R.

For: TRANSGENIC ORGANISMS HAVING
TETRACYCLINE-REGULATED
TRANSCRIPTIONAL REGULATORY
SYSTEMS


RECEIVED

JAN 23 2003

TECH CENTER 1600/2900

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATION CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Box Sequence

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated December 12, 2002. Applicants are submitting their response herewith within the one-month response period set to expire on January 11, 2003.

The U.S. Patent and Trademark Office has taken the position that the previous "Sequence Listing" in computer readable form did not comply with the requirements of Section 1.824. Submitted herewith in connection with the above-referenced patent application is a substitute, computer readable copy of the Sequence Listing that corrects the defects noted in the raw sequence listing. No new matter has been added to the substitute Sequence Listing.

In the Specification

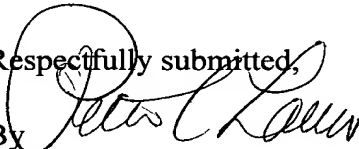
After the Abstract, please insert pages 1-15 of the Sequence Listing filed herewith.

Applicants respectfully request the above-referenced patent application be placed upon the files for examination.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-00880, under Order No. BBI-009C3CN2 from which the undersigned is authorized to draw.

Dated: January 13, 2003

Respectfully submitted,

By 
Peter C. Lauro, Esq.
Registration No.: 32,360
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney for Applicant